

# HOUSE BILL 1160

D4

2lr2725

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By: **Charles County Delegation**

Introduced and read first time: February 10, 2012

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2012

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Family Law – Interim and Temporary Peace and Protective Orders –**  
3 **Duration**

4 FOR the purpose of extending the duration of ~~a~~ an interim or temporary peace or  
5 protective order ~~or a temporary protective order~~ under certain circumstances;  
6 requiring a court to hold a temporary or final peace or protective order hearing  
7 by a certain time under certain circumstances; and generally relating to peace  
8 orders and protective orders.

9 BY repealing and reenacting, with amendments,  
10 Article – Courts and Judicial Proceedings  
11 Section ~~3–1503.1(d)(1) and (g), 3–1504(c), and 3–1505(b)(1)~~  
12 Annotated Code of Maryland  
13 (2006 Replacement Volume and 2011 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article – Family Law  
16 Section ~~4–504.1(e)(1) and (h), 4–505(c), and 4–506(b)(1)~~  
17 Annotated Code of Maryland  
18 (2006 Replacement Volume and 2011 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article – Courts and Judicial Proceedings**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 3-1503.1.

2 (d) (1) (i) An interim peace order shall state the date, time, and  
 3 location for the temporary peace order hearing and a tentative date, time, and location  
 4 for a final peace order hearing.

5 (ii) **[A] EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS**  
 6 **SECTION, OR UNLESS THE COURT CONTINUES THE HEARING FOR GOOD CAUSE,**  
 7 **A temporary peace order hearing shall be held on the first or second day on which a**  
 8 **District Court judge is sitting after issuance of the interim peace order****[, unless the**  
 9 **court continues the hearing for good cause].**

10 (g) (1) **[An] EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION,**  
 11 **AN interim peace order shall be effective until the earlier of:**

12 **[(1)] (I) The temporary peace order hearing under § 3-1504 of this**  
 13 **subtitle; or**

14 **[(2)] (II) The end of the second business day the Office of the Clerk of**  
 15 **the District Court is open following the issuance of an interim peace order.**

16 **(2) IF THE COURT IS CLOSED ON THE DAY ON WHICH THE**  
 17 **INTERIM PEACE ORDER IS DUE TO EXPIRE, THE INTERIM PEACE ORDER SHALL**  
 18 **BE EFFECTIVE UNTIL THE NEXT DAY ON WHICH THE COURT IS OPEN, AT WHICH**  
 19 **TIME THE COURT SHALL HOLD A TEMPORARY PEACE ORDER HEARING.**

20 3-1504.

21 (c) (1) **[The] EXCEPT AS OTHERWISE PROVIDED IN THIS ~~SECTION~~**  
 22 **SUBSECTION, THE temporary peace order shall be effective for not more than 7 days**  
 23 **after service of the order.**

24 (2) The judge may extend the temporary peace order as needed, but  
 25 not to exceed 30 days, to effectuate service of the order where necessary to provide  
 26 protection or for other good cause.

27 **(3) IF THE COURT IS CLOSED ON THE DAY ON WHICH THE**  
 28 **TEMPORARY PEACE ORDER IS DUE TO EXPIRE, THE TEMPORARY PEACE ORDER**  
 29 **SHALL BE EFFECTIVE UNTIL THE ~~NEXT~~ SECOND DAY ON WHICH THE COURT IS**  
 30 **OPEN, BY WHICH TIME THE COURT SHALL HOLD A FINAL PEACE ORDER**  
 31 **HEARING.**

32 3-1505.



1           **(3) IF THE COURT IS CLOSED ON THE DAY ON WHICH THE**  
 2 **TEMPORARY PROTECTIVE ORDER IS DUE TO EXPIRE, THE TEMPORARY**  
 3 **PROTECTIVE ORDER SHALL BE EFFECTIVE UNTIL THE ~~NEXT~~ SECOND DAY ON**  
 4 **WHICH THE COURT IS OPEN, BY WHICH TIME THE COURT SHALL HOLD A FINAL**  
 5 **PROTECTIVE ORDER HEARING.**

6 4-506.

7           **(b) (1) (i) The temporary protective order shall state the date and time**  
 8 **of the final protective order hearing.**

9                           **(ii) [Unless] EXCEPT AS PROVIDED IN § 4-505(C) OF THIS**  
 10 **SUBTITLE, OR UNLESS** continued for good cause, the final protective order hearing  
 11 **shall be held no later than 7 days after the temporary protective order is served on the**  
 12 **respondent.**

13           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 14 October 1, 2012.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.